

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS JOHNSON and
REV. GLORIA JOHNSON,

Plaintiffs,

No. 08-CV-10108-DT

vs.

Hon. Gerald E. Rosen

THE COUNTY OF MACOMB, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING
PLAINTIFFS' COMPLAINT, WITHOUT PREJUDICE

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 11, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the January 7, 2009 Report and Recommendation of United States Magistrate Judge Michael Hluchaniuk recommending that Plaintiffs' Complaint be dismissed, without prejudice, for failure to prosecute and that Defendants' Motion for Summary Judgment be denied, as moot; and no timely objections having been filed by any of the parties; and having reviewed the Magistrate Judge's Report and Recommendation and the Court's entire file of this matter, the Court concludes that, for the reasons stated in the Magistrate Judge's R & R, Plaintiffs' Complaint should be dismissed, in its entirety, without prejudice, and being otherwise

fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's January 7, 2009 Report and Recommendation [**Dkt # 19**] is adopted by the Court.

Accordingly,

IT IS FURTHER ORDERED that Plaintiffs' Complaint is DISMISSED, in its entirety, without prejudice, for lack of prosecution.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss [**Dkt. # 15**] is denied, as moot.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 11, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 11, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager